

Remarks

Applicant replies to the Final Office Action dated March 17, 2011, within two months. Claims 1-7, and 9-20 are pending in the application and the Examiner rejects claims 1-7, and 9-20. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-3, 5-7, 9-10, 12-14, and 16-20 under 35 U.S.C. 103(a) as being unpatentable over Janacek et al., U.S. Patent No. 6,684,248 ("Janacek"), in view of Poplawski et al., U.S. Publication No. 2003/0208441 ("Poplawski") in further view of Choubey et al., U.S. Patent No. 7,305,430 ("Choubey") in further view of Choski, U.S. Patent No. 6,477,243 ("Choski"). The Examiner rejects claims 4 and 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Janacek in view of Poplawski in further view of Choubey in further view of Choski and in further view of Fung et al., U.S. Publication No. 2002/0055909 ("Fung"). Applicant respectfully disagrees with these rejections, but Applicant amends certain claims without prejudice or disclaimer in order to clarify the patentable aspects of certain claims and to expedite prosecution.

The Examiner states on pages 2 and 3 of the Office Action that "since the user must log onto the website to access the primary message which was generated at the website, the primary message is not transmitted via email, wherein the primary message is first communicated via the secure website. Note while Poplawski's primary message is a bill, one skilled should appreciate that the teaching by Poplawski could be applied to any type of message." Paragraph 41 of Poplawski specifically recites "The CSP/BSP 20 performs a formatting operation on the 'raw' bulk billing data 800 in order to generate a billing summary (S-210) (e.g., biller name, minimum amount due, total due, etc.). Alternatively, the biller 10 itself can generate this summary information prior to the transmission to the CSP/BSP 20. The CSP/BSP 20 incorporates this summary information into an e-mail 25 and sends the e-mail notification 25 to the payer 30 informing him or her of the bill originating with the biller 10 (S-220). As described above, the email notification 25 also contains a URL that can be used by the payer 30 to connect to a website to view the full billing information." Also Paragraph 42 of Poplawski recites "As

previously discussed, the e-mail 25 contains a summary of the bill that is detailed enough for the payer 30 to manually pay the bill using a traditional non-electronic form of payment such as by check, cash, money order or other non-electronic means and typically remits payment using traditional non-electronic means (e.g., by mail). A payer 30 using this option is automatically notified when a bill is due, but retains the ability to pay the bill using traditional methods.” (emphasis added). Thus, stated another way, the summary of the bill includes the content of the billing information detailed enough for the user to not elect to review the website prior to paying their bill. This is in direct contract to “wherein the primary message is not transmitted via email, wherein content of the primary message is first communicated via the secure website” as recited by independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20. The various other cited references in combination with Poplawski do not cure this shortcoming of the teachings of Poplawski.

Also, the Examiner states on page 3 of the Office Action “Poplawski teaches accessing a primary message using a secure website. Further, Choubey teaches storing a shared message in a common storage area of a database for dynamic access by multiple individuals (col 3, lines 39-55 and col 4, lines 27-52). From the combined teachings of Poplawski and Choubey, one skilled would have found it obvious to maintain, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website.” However, neither Choubey nor Poplawski nor any combination thereof teach dynamic access by a second intended recipient via the secure website. Instead Choubey discloses:

Upon receiving a new email message, the mail server checks if the new email message is addressed to multiple recipients. If so, then the mail server checks for the number of recipients on this mail server. The number of recipients on this mail server is data that is used to calculate the total storage space required on the mail server. If the total storage space required is lesser than a predetermined (and configurable) threshold value, then the email messages are copied to the Inbox folder of each recipient. If the required storage space is greater than the predetermined threshold value, then the mail server copies the email message to a common storage space. After copying the email message to the shared storage area, the server copies a reference message to the Inbox folder of each recipient. The mail server also populates the meta email tables with the number of references and the authorization information.

When the email client requests the mail server to open the reference email message, the server opens the shared email message, instead. If the recipient

deletes the email message from their Inbox folder, the mail server: (i) deletes the reference email message, (ii) decreases the count of references in the shared mail information table, and (iii) removes this recipient from the authorization table of the shared email message. At this time, if the reference count becomes zero, the shared email message and the corresponding records in the meta mail database are deleted. (Col. 4, lines 33-49, Emphasis added.)

Stated another way, an email message is received by an email server. Only in response to the certain conditions does the mail server copy the (received) email message to a common storage space. Then, the email client requests the mail server to open the message. There is no discussion that this is done through via a secure website. In fact Choubey does not disclose the term “website” at all.

Also, importantly, and in direct contradiction to “wherein the primary message is not transmitted via email” Choubey is concerned with an email server receiving an email. “The present invention relates to mail servers, and reducing data storage requirements thereon.” (Choubey, abstract). Thus, there is no suggestion nor motivation to combine the teachings of the references with Choubey as the Examiner suggests, because combining the references would render the art being modified unsatisfactory for its intended purpose. See *In re Sponnoble*, 405 F.2d 578, 587, 160 U.S.P.Q. 237, 244 (C.C.P.A. 1969) (reversing a finding of obviousness where the proposed combination of references would produce a “seemingly inoperative device”); M.P.E.P. § 2143.01(V) (“[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, **then there is no suggestion or motivation to make the proposed modification**” (emphasis added)). Applicant respectfully submits Choubey is an improper reference and should be withdrawn.

Thus, Applicant submits that the cited references, whether considered individually or in combination in any combination, do not disclose or contemplate at least “wherein the primary message is not transmitted via email, wherein the content of the primary message is first communicated to the first intended recipient via the secure website” and “maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website,” as recited in independent claim 1 (emphasis added) and similarly recited in independent claims 9 and 20. Therefore, Applicant submits that independent Claims 1, 9 and 20 are allowable over the cited art.

Dependent claims 2-7, and 10-19 variously depend from independent claims 1 and 9.

Therefore, Applicant asserts that dependent claims 2-7, and 10-19 are patentable for at least the same reasons stated above for differentiating independent claims 1, 9 and 20, as well as in view of their own respective features. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 2-7, and 10-19.

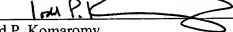
Also, for at least the reasons above, Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicant intends the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicant respectfully submits that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicant invites the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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